

MEGHAN BLANCO (California State Bar No. 238171)  
1 LAW OFFICES OF MEGHAN BLANCO  
2 28202 Cabot Road, Suite 300  
Laguna Niguel, CA 92677  
Telephone: (949) 296-9869  
3 Facsimile: (949) 606-8988  
mblanco@meganblanco.com  
4

5 Attorney for Defendant:  
JOHN OLIVAS  
6

7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA  
9

10 THE UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 vs.  
13 JOHN JACON OLIVAS,  
14 Defendant.  
15

Case No. 18-CR-231-JGB

**MOTION TO DISMISS WITHOUT  
PREJUDICE AND RECUSE THE  
USAO, OR IN THE  
ALTERNATIVE, TO DISMISS  
WITHOUT PREJUDICE  
AND RECUSE AUSA JOSEPH  
WIDMAN**

18 TO THE UNITED STATES ATTORNEY'S OFFICE: **Please note**  
19 that November 15, 2021, Defendant John Olivas will move for  
20 orders dismissing the current charges against Mr. Olivas,  
21 without prejudice, recusing the USAO in this District, and  
22 referring the matter to another USAO for prosecution. In  
23 the alternative, Mr. Olivas will move for orders dismissing  
24 the charges in this case, without prejudice, and appointing  
25 another AUSA in this District, who does not have a conflict  
Motion to Recuse the USAO

1 of interest with Mr. Olivas, to the matter for conflict-  
2 free investigation and prosecution.

This request is based on the attached Memorandum of Points and Authorities, the Declarations of Meghan Blanco and John Olivas, the files in this case, and any additional arguments or evidence that the Court wishes to hear.

Dated: October 12, 2021

Respectfully submitted,

By: /s/ Meghan Blanco  
MEGHAN A. BLANCO  
Attorney for Defendant

1                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2                   **A. INTRODUCTION**

3                   During the relevant time period covered by the  
4 Indictment, Mr. Olivas was a case agent on *United States v.*  
5 *Julio Ramirez*, 11-CR-51-VAP - a significant drug and gun  
6 case that AUSA Joseph Widman prosecuted. It resulted in a  
7 hefty, 288-month, post-plea sentence. However, prior to  
8 sentencing, defendant Ramirez lodged a number of  
9 allegations against several case agents, including Mr.  
10 Olivas. Between December 2012 and approximately April  
11 2013, AUSA Widman defended Mr. Olivas against those  
12 allegations in under-seal filings. And then, just months  
13 later, he assumed the role of lead prosecutor against Mr.  
14 Olivas in this case.

15                  Because AUSA Widman had an incurable conflict of interest  
16 at the time he investigated and indicted this case, the  
17 current charges against Mr. Olivas should be dismissed  
18 without prejudice, the USAO in this District should be  
19 recused, and the matter should be referred to another USAO  
20 for prosecution. In the alternative, charges should be  
21 dismissed without prejudice and another AUSA in this  
22 District, who does not have a conflict of interest with Mr.  
23 Olivas, should be assigned the matter for conflict-free  
24 investigation and prosecution.

25                  **B. BACKGROUND**

26                  Mr. Olivas worked as a Special Agent for the Department  
27 of Homeland Security, Homeland Security Investigations from  
28 2007 until his resignation in 2015. Between approximately  
29 Motion to Recuse the USAO

1 2010 and 2013, Mr. Olivas worked with AUSA Joe Widman in  
2 the investigation and prosecution of defendant Julio  
3 Ramirez in *United States v. Julio Ramirez*, 11-CR-51-VAP.

4 Defendant Ramirez pleaded guilty to drug and gun charges.  
5 He was ultimately sentenced to 288 months in custody.  
6 However, in December 2012 – between his change of plea  
7 hearing and sentencing – Mr. Ramirez accused Mr. Olivas of  
8 “having a girlfriend who belongs to the Casa Blanca Fern  
9 Street, a local gang. He assists her in illegal activities  
10 and helps her get out of jams. This is taking place right  
11 now.” See Blanco Decl. at Exhibit A. Counsel for  
12 defendant Ramirez and AUSA Widman elected to continue  
13 defendant Ramirez’s sentencing date so AUSA Widman could  
14 investigate the allegations against Mr. Olivas. It is  
15 believed that AUSA Widman also submitted a report to the  
16 Office of Professional Responsibility, per DOJ policy, as  
17 OPR opened its own investigation a short time later.

18 In the months that followed, AUSA Widman interviewed Mr.  
19 Olivas concerning his relationship with the woman  
20 identified in the defense’s filing and defended Mr. Olivas  
21 against defendant Ramirez’s allegations of misconduct. For  
22 the duration of time Mr. Olivas worked with AUSA Widman on  
23 the Ramirez matter – including the period AUSA Widman  
24 defended Mr. Olivas against Ramirez’s allegations – Mr.

25 Motion to Recuse the USAO

1 Olivas dated each of the alleged victims identified in the  
2 Indictment in this case.

3 Within months of interviewing and defending Mr. Olivas  
4 against allegations that threatened to unravel a plea  
5 agreement in a significant case that ultimately resulted in  
6 a 288-month sentence, AUSA Widman began investigating Mr.  
7 Olivas for allegedly abusing the very same women Mr. Olivas  
8 dated while he worked with AUSA Widman on the Ramirez  
9 matter.

10 **C. LAW**

11 Members of a U.S. Attorney's staff should not participate  
12 "in a particular investigation or prosecution if such  
13 participation may result in a personal  
14 ... conflict of interest, or the appearance thereof." 28  
15 U.S.C. § 528. Prosecutors must be disinterested such that  
16 they may not represent the United States "in any matter in  
17 which they, their family, or their business associates have  
18 any interest." *Young v. United States ex rel. Vuitton et*  
19 *Fils S.A.*, 481 U.S. 787, 803, 107 S.Ct. 2124, 95 L.Ed.2d 740  
20 (1987) (citation omitted). This is because "[a] scheme  
21 injecting a personal interest, financial or otherwise, into  
22 the enforcement process may bring irrelevant or  
23 impermissible factors into the prosecutorial decision and  
24 in some contexts raise serious constitutional questions."  
25 *Marshall v. Jerrico, Inc.* 446 U.S. 238, 249-50, 100 S.Ct.  
1610, 64 L.Ed.2d 182 (1980) (citations omitted). As a  
Motion to Recuse the USAO

1 result, the presence of an interested prosecutor is a  
2 fundamental error that "undermines confidence in the  
3 integrity of the criminal proceeding." Young, 481 U.S. at  
4 810, 107 S.Ct. 2124 (citations omitted). Such errors are  
5 so fundamental that prejudice need not befall the  
6 defendant. See *United States v. Rosnow*, 977 F.2d 399, 411  
(8th Cir. 1992).

7 **D. ARGUMENT**

8 There should be no question that AUSA Widman, based on  
9 his former relationship with Mr. Olivas, is barred from any  
10 participation in this prosecution due to a conflict of  
11 interest. That conflict of interest is clear: (1) Mr.  
12 Olivas and AUSA Widman worked together on a significant  
13 case for years, during the exact timeframe covered by the  
14 Indictment in this case; (2) allegations were lodged  
15 against Mr. Olivas in a significant case on which AUSA  
16 Widman was lead prosecutor. Those allegations threatened  
17 to unravel a negotiated plea agreement that resulted in a  
18 288-month sentence – likely AUSA Widman's lengthiest  
19 sentence during that time; (3) AUSA Wideman defended Mr.  
20 Olivas against allegations of misconduct to save his case.  
21 He interviewed Mr. Olivas concerning his relationship  
22 history **while Mr. Olivas was dating the alleged victims in**  
23 **this case** and filed an under-seal declaration that he  
24 drafted for Mr. Olivas concerning his past relationship;

1 and (4) just months later, AUSA Widman assumed the role of  
2 lead prosecutor in an investigation of Mr. Olivas  
3 concerning allegations that he raped the very women he  
4 dated while the two worked together.

5 Based on AUSA Widman's relationship with Mr. Olivas, his  
6 defense of Mr. Olivas in the Ramirez matter, the appearance  
7 of bias and personal animosity that stemmed from  
8 allegations against Mr. Olivas in the Ramirez matter, and  
9 his communications with Mr. Olivas concerning past  
10 relationships, AUSA Widman had, and continues to have, a  
11 conflict of interest in this case.

12 Nevertheless, AUSA Widman elected to assume the role of  
13 lead prosecutor against Mr. Olivas. He did not recuse  
14 himself from the matter. He did not step aside to allow  
15 one of the other 250 AUSAs in Office who do not have a  
16 conflict of interest with Mr. Olivas investigate the case.

17 On August 1, 2018, after years of investigation, AUSA  
18 Widman presented charges against Mr. Olivas to a grand jury  
19 that had been impaneled over a year earlier. He remained  
20 on the case as lead prosecutor until March 2019, tainting  
21 the matter from its inception through Indictment.

22 When a potentially conflicted prosecutor has played a  
23 very minor role, courts have held that his "limited  
24 involvement" does not deprive a defendant of his right to a  
25 disinterested prosecutor. See *United States v.*

Motion to Recuse the USAO

1     *Scrushy*, 721 F.3d 1288, 1307-08 (11th Cir.2013).   *Scrushy*  
2     concerned a potentially conflicted prosecutor who  
3     voluntarily recused herself, and her only further  
4     involvement was through several e-mails she sent to the  
5     replacement prosecutors.   *Scrushy*, 721 F.3d at 1307-08.  
6     The prosecutor did not play a major role in the charges,  
7     and she timely recused herself.

8       Unlike in *Scrushy*, AUSA Widman had a clear conflict and  
9     failed to voluntarily recuse himself when it mattered - at  
10    the outset of the investigation.   *Young* categorically  
11    forbids an interested person from controlling the  
12    defendant's prosecution.   *Young*, 481 U.S. 787 at 803.

13      As such, the case should be dismissed so the matter can  
14    commence with a new lead prosecutor, who can ensure that  
15    the investigation and charges are free from "irrelevant or  
16    impermissible factors" and "serious constitutional  
17    questions."

18      **E. CONCLUSION**

19       Based on the foregoing, Mr. Olivas respectfully  
20    requests that the Court dismiss the current charges against  
21    Mr. Olivas, without prejudice, recuse the USAO in this  
22    District, and refer the matter to another USAO for  
23    prosecution.   In the alternative, Mr. Olivas respectfully  
24    requests that the Court dismiss the charges in this case,  
25    without prejudice, and order another AUSA in this District,

Motion to Recuse the USAO

1 who does not have a conflict of interest with Mr. Olivas,  
2 to be assigned the matter for conflict-free investigation  
3 and prosecution.

4

5

6 Dated: October 12, 2021 Respectfully submitted,

7

8 \_\_\_\_\_ /s/ Meghan Blanco \_\_\_\_\_

9 **MEGHAN A. BLANCO**

10 **Attorney for Defendant**

11 **JOHN OLIVAS**

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Motion to Recuse the USAO